

## **REMARKS**

Claims 38-41, 46-54, 56, 58-60, 63, and 66-68 are pending in this application. Claims 54, 63, and 67 have been amended to correct minor informalities. No new matter has been added. Importantly, the claim amendments should not be construed to be an acquiescence to any of the claim rejections. Rather, the amendments to the claims are made solely to expedite the prosecution of the above-identified application.

### **Claim Rejection Based on Obviousness-Type Double Patenting**

#### *U.S. Patent 6,803,357*

Claims 38-41, 46-54, 56, 58-60, 63, and 66-68 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-31 of U.S. Patent No. 6,803,357 (“the ‘357 patent”). Therefore, to expedite prosecution to allowance of the pending claims, the Applicants submit herewith a Terminal Disclaimer corresponding to the ‘357 patent. The Disclaimer is accompanied by the appropriate fee, and the Applicants believe that it complies with the requirements of 37 CFR 1.321(c).

#### *U.S. Patent 6,890,898*

Claims 38-41, 46-54, 56, 58-60, 63, and 66-68 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-88 of U.S. Patent No. 6,890,898 (“the ‘898 patent”). Therefore, to expedite prosecution to allowance of the pending claims, the Applicants submit herewith a Terminal Disclaimer corresponding to the ‘898 patent. The Disclaimer is accompanied by the appropriate fee, and the Applicants believe that it complies with the requirements of 37 CFR 1.321(c).

#### *U.S. Serial No. 10/794,316*

Claims 38-41, 46-54, 56, 58-60, 63, and 66-68 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-90 of co-pending application USSN 10/794,316 (“the ‘316 application”). Because the provisional rejection is over a co-pending application, the Applicants respectfully request that the Examiner withdraw the provisional rejection in the instant application, thereby allowing the instant application to issue as a patent. *See MPEP § 1504.06* (“If a provisional double patenting rejection (of any type) is the only rejection remaining in two conflicting applications, the

examiner should withdraw that rejection in one of the applications (e.g., the application with the earlier filing date) and permit the application to issue as a patent.”).

Accordingly, withdrawal of the rejections under the judicially-created doctrine of obviousness-type double patenting is respectfully requested.

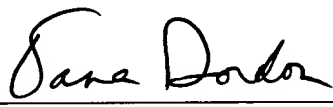
### Fees

The Applicants believe that they have provided for all required fees in connection with the filing of this Response. Nevertheless, the Commissioner is hereby authorized to charge any additional fees due in connection with the filing of this Response to our Deposit Account, No. 06-1448 reference TUV-043.01.

### Conclusion

The Applicants believe that the pending claims are in condition for allowance. If a telephone conversation with Applicants’ Attorney would expedite prosecution of the above-identified application, the Examiner is urged to contact the undersigned.

Respectfully submitted,  
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